

HOUSE BILL 1010
By Fowlkes

AN ACT to amend Tennessee Code Annotated, Title 8; Title 10; Title 16; Title 18; Title 22; Title 26; Title 30; Title 36; Title 38; Title 39; Title 40; Title 50; Title 55; Title 67 and Title 68, relative to the collection and administration of court costs, taxes, fines and fees relative to the administration and operation of courts in the state of Tennessee.

WHEREAS, Chapter 756 of the Public Acts of 2004 created a study committee of the Tennessee Judicial Council to examine court costs and fees in all Tennessee Courts and make recommendations to the full judicial council regarding uniformity, simplification and appropriateness of fees; and

WHEREAS, said study committee having completed its study and having presented its recommendations to the Tennessee Judicial Council on November 18, 2004, the Judicial Council did adopt such recommendations with amendments and vote to present the proposal to the General Assembly; and

WHEREAS, said proposal should substantially simplify the administration of court costs and fees while providing for greater uniformity and fairness of costs; now, therefore:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Sections 8-21-402, 10-7-111, 10-7-117, 18-5-106, 30-2-709, 36-2-314, 40-3-203 and 40-3-204, are amended by deleting the sections in their entirety.

SECTION 2. Tennessee Code Annotated, Section 16-22-109(c), is amended by deleting the reference to § 8-21-401(a)(6) and substituting § 8-21-402(h).

SECTION 3. Tennessee Code Annotated, Section 22-2-204, is amended by deleting subdivision (a)(3).

SECTION 4. Tennessee Code Annotated, Section 26-5-108, is amended by deleting subdivision (b)(2).

SECTION 5. Tennessee Code Annotated, Section 30-2-306(b), is amended by deleting the subdivision in its entirety and renumbering subsequent subdivisions as is appropriate.

SECTION 6. Tennessee Code Annotated, Section 30-2-314(c), is amended by deleting the following language:

For these services the probate court clerk shall receive three dollars (\$3.00) for each notice given.

SECTION 7. Tennessee Code Annotated, Section 36-5-3009, is amended by deleting subsection (a) and by re-numbering subsequent sections accordingly.

SECTION 8. Tennessee Code Annotated, Section 36-5-3009, is further amended by deleting subsection (d) and substituting instead the following:

(d) The clerk will file any request for transfer and carry out the requirements of this part, even without receiving the appropriate fee for such request. If not paid, such sum shall be added to the cost bill to be assessed by the transferee court.

SECTION 9. Tennessee Code Annotated, Section 36-5-3111, is amended by deleting subsection (a) and by re-numbering subsequent sections accordingly.

SECTION 10. Tennessee Code Annotated, Section 36-5-3111, is further amended by deleting subsection (d) and substituting instead the following:

(d) The clerk will file any request for registration and carry out the requirements of this part, even without receiving the appropriate fee for such request. If not paid, such sum shall be added to the cost bill to be assessed by the registering court.

SECTION 11. Tennessee Code Annotated, Section 40-11-215, is amended in subsection (a) by deleting the language:

“, and a redemption fee of two dollars and fifty cents (\$2.50)”;

and further amended in subsection (c) by deleting the language:

“ less the two dollars and fifty cents (\$2.50) redemption fee, which shall be retained by the clerk as fees for issuing the redemption certificate”;

and further amended in subsection (d) by deleting the language:

“, and the redemption fee of two dollars and fifty cents (\$2.50)”.

SECTION 12. Tennessee Code Annotated, Section 40-32-101, is amended by deleting the language “provided, that such cost for destruction shall not exceed twenty-five dollars (\$25.00)” from subdivision (a)(1) and by deleting the language “; provided such fee shall not exceed twenty-five dollars (\$25.00)” from subdivision (a)(6)(C).

SECTION 13. Tennessee Code Annotated, Section 50-6-244, is amended by deleting subsection (c) in its entirety and substituting instead the following:

(c) The clerk of the court shall forward to the administrator of the division of workers' compensation on or before the tenth day of each calendar month all workers' compensation statistical data forms filed with the clerk during the preceding calendar month.

SECTION 14. Tennessee Code Annotated, Section 67-5-2403(b), is amended by deleting the subsection in its entirety.

SECTION 15. Tennessee Code Annotated, Section 67-5-2410, is amended by deleting subdivision (c)(1) in its entirety and substituting instead the following:

(c)

(1) The sheriff shall receive as costs to be taxed against each delinquent, seven dollars and fifty cents (\$7.50) for serving all original processes and the statutory fees for all other services performed by the sheriff, and the clerks of the courts shall receive the statutory fees provided in § 8-21-401(b)(1)(E).

SECTION 16. Tennessee Code Annotated, Section 68-3-402, is amended by deleting subsection (c) in its entirety.

SECTION 17. Tennessee Code Annotated, Section 8-21-401, is amended by deleting the section in its entirety and substituting instead the following:

§ 8-21-401

(a) Except as provided otherwise, the costs provided in this statute shall be collected at the time services are rendered by the clerk or other officer of the court; however, this requirement for fees to be paid in advance shall not affect the manner in which costs are taxed and collected in criminal cases nor shall it affect the ability of a party to initiate a judicial proceeding by filing a pauper's oath. The fees listed below do not include officer's fees for service of process as provided for in § 8-21-901 and elsewhere. These fees also do not include state and local litigation taxes.

(b) Fees in Civil Cases in Circuit and Chancery Court

(1)

(A) Unless otherwise provided below, court clerks in civil cases in courts of records shall charge a standard court cost of three hundred dollars (\$300) at the institution of a case. The types of cases covered by this fee would include, but not be limited to, actions for enforcement of contracts or breach of contract actions; injunctions; all torts, personal injury and property damage cases including malpractice and wrongful death suits; employment discrimination suits; civil rights suits; tax disputes; special remedies; other property disputes; divorce with minor children and any other type of actions not otherwise designated in this statute or elsewhere by law.

(B) In the following specific types of civil actions, the clerk shall instead charge a standard court cost of one hundred and fifty dollars (\$150) at the institution of a case:

(i) Appeals to the circuit or chancery court from juvenile court, general sessions court, probate courts, municipal courts or an administrative hearing; writs of certiorari from lower courts or administrative hearings;

(ii) Transfers of cases from foreign counties;

(iii) Requests for writ of mandamus;

(iv) Worker's compensation actions;

(v) Condemnations/inverse condemnations;

(vi) Quo warranto proceedings; and

(vii) Divorce without minor children;

(C) In the following specific types of civil actions, the clerk shall charge a standard court cost of one hundred dollars (\$100) at the institution of a case: adoptions, legitimations, paternity cases, restoration of citizenship, termination of parental rights, other domestic relations matters not otherwise designated, name changes, minor settlements, enforcement of foreign judgments, and orders of protection. This fee shall also apply to civil expungements in any civil proceeding where expungement is authorized by law.

(D) In the following specific actions, the clerk shall charge a standard court cost of seventy-five dollars (\$75.00): child support enforcement and modification, including interstate support cases and civil contempt actions, and requests for modification of a parenting plan.

(E) In delinquent property cases, the clerk shall assess a filing fee of forty-two dollars (\$42.00) per parcel. For each parcel of property for which the judge issues an order to sell, there shall be a fee of one hundred dollars (\$100) for clerk's services related to that action.

(2)

(A) For the purposes of determining the fees of the clerk of court, when any third party complaint in a civil case is filed, the party filing the complaint shall be charged the same fee as was charged at the initiation of the original civil proceeding.

(B) The fee for cross-filings and counter complaints in civil cases in courts of record shall be one hundred dollars (\$100).

(c) The clerks of the various courts administering estates, guardianships, conservatorships, and other probate matters are entitled to demand and shall receive for their services the following fees:

(1) For opening and closing an estate, other than a small estate - \$225.

(A) For filing and docketing claims, giving notice and filing release on each claim for a decedent's estate, to be paid by claimant - \$11.00.

(B) For filing exceptions to claims against estates, mailing notices and entering order - \$42.00.

(2) For filing small estate affidavits - \$36.00.

(3) For filing a request for letters of guardianship and conservatorship; issuing all initial process and cost bond; entering order and issuing certificate of guardianships and conservatorship (not including fee of the sheriff); and including final accounting and order closing (regardless of court where files) - \$160.

(4) For filing a new request for removal of disabilities of minority, and incompetence, filing affidavits and entering orders; for filing a new request to legitimate a person, change a name or correct a birth certificate and enter orders; for filing a new request for habeas corpus, filing cost bond, issuing process and enter orders (not including fee of the sheriff) - \$100.

(5) For filing requests under the Mental Health Law, compiled in title 33, issuing notices, entering return, and entering judgments after hearing (not including fee of the sheriff) - \$50.00.

(6) For filing and docketing any request, on an existing case other than a request to close the case, not otherwise provided for - \$18.00.

(7) For entering any order, on an existing case other than closing order, not otherwise provided for - \$12.00.

(8) For issuing summons, subpoenas, citations, writs and notices, including copies of process when required by law, other than initial process - \$6.00.

(9) For filing any document not otherwise provided for in probate court - \$7.00.

(10) For filing, reviewing, recording annual or interim settlement or accounting and entering order approving settlement only - \$40.00.

(d) Fees in Criminal Cases in Courts of Record.

(1)

(A) Unless otherwise provided below, court clerks in criminal cases in courts of records shall charge a standard court cost of three hundred dollars (\$300). This fee would apply per case per defendant.

(B) The clerk would charge a fee of one hundred dollars (\$100) for proceedings related to a violation of probation, any post judgment actions or expungements.

(C) The clerk would charge a fee of seventy-five dollars (\$75.00) for criminal contempt actions (including criminal contempt proceedings in civil courts), for failure to appeal, calling in a surety (in criminal cases), requests for bonding company release, requests to reinstate a driver license and requests for relief.

(D) Reimbursement from the state would be limited to two hundred fifty dollars (\$250) and seventy-five dollars (\$75.00) fees as currently allowed by law.

(e) Fees for Proceedings in Juvenile Court.

(1)

(A) Unless otherwise provided below, court clerks in juvenile proceedings shall charge a standard court cost of one hundred dollars (\$100). This fee shall apply to all juvenile proceedings not otherwise designated including, but not limited to requests to establish support/nonsupport; proceedings related to parentage; paternity cases; and legitimations.

(B) For requests for modification of child support the clerk shall charge a fee of seventy-five dollars (\$75.00).

(C) In the following actions, the clerk of the juvenile court shall charge a fee of forty-two dollars (\$42.00): juvenile traffic cases, consent orders, diversion and nonjudicial disposition of juvenile cases, voluntary

motions to grant custody, marriage waivers, attachment pro corpus, bench warrants.

(D) In the following actions, the clerk of the juvenile court shall charge a fee of twenty-five dollars (\$25.00): restricted licenses, drug screenings, entering order of appeal and taking appeal bond, entering judgment from appellate court, entering order allowing rehearing, and special pleas.

(E) In the following actions, the clerk of the juvenile court shall charge a fee of sixty-two dollars (\$62.00): delinquency and unruly cases and felony and misdemeanor cases in juvenile court.

(f) Civil Actions in General Sessions Court

(1) General Sessions Civil Filing Fee - \$62.00

Unless otherwise provided elsewhere in this statute, court clerks in civil cases in general sessions court shall charge a standard filing fee of sixty-two dollars (\$62.00). This fee is intended to cover all initial court clerk's costs for initiating a civil proceeding in general sessions court including, but not limited to, hearings regarding short term mental health commitments, appeals of decisions denying the issuance of handgun permits, and requests not otherwise provided for. This fee would not apply to orders of protection which would have the same fee (when costs are adjudged) as in courts of record of one hundred dollars (\$100).

(2) When a general sessions court is exercising concurrent civil jurisdiction with a court of record, it would charge the same litigation taxes and court costs as in courts of record.

(g) Criminal Actions in General Sessions Court.

(1)

(A) General Session Criminal Base Fee - \$62.00.

This fee would be charged per conviction per defendant.

(B) Failure to Appear - \$40.00. In cases where the defendant fails to appear or pay fines or costs and the court issues an attachment, bench warrant, capias or other process to compel the defendant's attendance at the court, the defendant would be charged an additional fee for clerk's costs of forty dollars (\$40.00).

(C) Calling in Surety - \$40.00. The clerk would charge this fee each time a scire facias or other proceeding is instituted to bring in a surety or make action against a bond in criminal cases for failure to appear.

(D) The clerk would charge a fee of seventy-five dollars (\$75.00) for requests for bonding company release or requests to reinstate a driver license.

(E) The clerk would charge a fee of one hundred dollars (\$100) for expungements.

(h) Clerk's Commissions

(1) Except as provided in subdivisions (2) and (3), for receiving and paying over all taxes, fines, forfeitures, fees and amercements, the clerk of the court is entitled to a five percent (5%) commission.

(2) In counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, the commission for receiving and paying over all taxes, fines, forfeitures, fees and amercements, shall be ten percent (10%) except as provided in subdivision (3).

(3) For receiving and paying over all privilege taxes on litigation, the clerk of the court is entitled to a six and seventy-five hundredths percent (6.75%) commission. The total amount of commissions receivable by the clerk of the court during any fiscal year shall not be less than the amount received by such clerk during the fiscal year ending June 30, 2005; provided, that this provision shall not apply if the statewide amount of litigation tax collected during such fiscal year is less than the amount collected during the fiscal year ending June 30, 2005.

(4) Clerks of city courts for receiving and paying over all privilege taxes on litigation, two percent (2%) on the dollar.

(i) Other Fees of Court Clerks. The following fees apply uniformly in all courts (general sessions, juvenile, probate, circuit or chancery) and may be charged in addition to the fees for cases listed above.

(1) Standard Post Judgment Fee. Unless otherwise provided, court clerks in criminal and civil cases in all courts shall charge a standard post judgment fee of twenty-five dollars (\$25.00). This fee is charged per occurrence and would be charged regardless of whether judgment is enforced by garnishment, execution, levy or other process. This fee would also apply to post-judgment interrogatories, publications, motions to set installment payments and orders and pleas.

(2) For issuing a subpoena or subpoena duces tecum, the fee shall be six dollars (\$6.00).

(3) In all cases in all courts, the clerk shall charge a fee of five dollars (\$5.00) for each time the case is continued or reset on the docket.

(4) For making copies as requested other than for an original filing and other than when preparing a record upon appeal (per page), the fee shall be fifty cents (50¢).

(5) For making certification and seal, providing a copy of an abstract or providing driver license certification, the fee shall be five dollars (\$5.00).

(6) For receiving funds paid into court on confirmation of private sales and/or other funds paid into the clerk pursuant to court order, and collecting and paying out the proceeds, the fee shall be forty dollars (\$40.00). This fee also applies where there is a pre-judgment judicial attachment or similar process to bring property into the court's possession prior to judgment.

(7) For selling real or personal property under decree of court and receiving, collecting, and paying out the proceeds, a commission not to exceed ten percent (10%) on the amount of sales up to six thousand dollars (\$6,000), and an additional amount to be fixed within such limits, in the discretion of the court. (The clerk shall collect the sheriff's fee, plus the sheriff's fee for each additional defendant in proceeding to sell real estate.) If the amount of a sale of property under decree of court exceeds six thousand dollars (\$6,000), the court may make an additional allowance, not in any case to exceed two percent (2%).

(8) The clerks of the various courts have the authority to invest idle funds held under their control, not otherwise invested. Such investments shall be in banks or savings and loan associations operating under the laws of the state or under the laws of the United States; provided, that such deposits are insured under the federal deposit insurance corporation or the federal savings and loan insurance corporation. Such investments shall not exceed the amounts that are federally insured unless otherwise fully collateralized under a written collateral

agreement. The interest on such investments shall become part of the fees of the court clerk and the clerk shall be required to account for interest received the same as with other fees received. Any funds authorized to be invested may be invested by the clerk in the local government investment pool administered by the state treasurer.

(9) Nothing in this section shall be construed to relieve the clerks of courts from the responsibility of investing funds held under their control pursuant to court order or under the rules of court. The interest on those investments shall accrue to the benefit of those directed by the court or by agreement of the parties to the litigation.

(10) For investing funds, the clerk shall receive a fee of five percent (5%) of the earnings of such investment.

(11) For preparing a record on appeal from a court of record to an appellate court, the fee shall be three-hundred (\$300).

(12) Whenever the clerk is required by law or by a judge to send documents by certified or registered mail, the clerk is entitled to recover his or her actual costs for mailing the documents.

(j) Earmarked Funds for Computerization. Out of all the general filing fees charged by court clerks, two dollars (\$2.00) of the amount collected shall be earmarked for computer hardware purchases or replacement, but may be used for other usual and necessary computer related expenses at the discretion of the clerk. Such amount shall be preserved for these purposes and shall not revert to the general fund at the end of a budget year if unexpended.

(k) Costs in Extraordinary Cases. In any extraordinary cases, the clerk may petition the judge to award reasonable costs in excess of the amounts provided in this

section to reimburse the clerk for the additional services demanded by the case. In such cases, the clerk may also petition the judge to require an appropriate cost bond. For the purposes of this statute, an extraordinary case is defined as one in which there are ten or more plaintiffs or ten or more defendants.

(l) Charges to the State Unchanged. Notwithstanding any provision of this section to the contrary, any fees increased by this section which are assessed against the state or which otherwise represent a cost to the state in criminal cases, child support actions and mental health proceedings shall be limited to the amounts chargeable prior to the effective date of these changes.

(m) Indigent parties. No clerk shall be permitted to collect any fee authorized by this section who does not permit any person the opportunity to institute a cause of action by means of a pauper's oath. In determining whether a person is entitled to institute an action by pauper's oath, such person's mere ownership of real property shall not be the sole determinative factor in denying such oath, unless the clerk finds that the person has substantial equity in such property.

SECTION 18. Tennessee Code Annotated, Section 8-21-401(a)(6)(A) , is amended by deleting that subdivision in its entirety and substituting instead the following:

(6) Commissions

(A)

(i) Except as provided in subdivisions (ii) and (iii), below, for receiving and paying over all taxes, fines, forfeitures, fees and amercements, the clerk of the court is entitled to a five percent (5%) commission.

(ii) In counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal

census or any subsequent federal census, the commission for receiving and paying over all taxes, fines, forfeitures, fees and amercements, shall be ten percent (10%) except as provided in subdivision (iii), below.

(iii) For receiving and paying over all privilege taxes on litigation, the clerk of the court is entitled to a six and seventy-five hundredths percent (6.75%) commission. The total amount of commissions receivable by the clerk of the court during any fiscal year shall not be less than the amount received by such clerk during the fiscal year ending June 30, 2005; provided, that this provision shall not apply if the statewide amount of litigation tax collected during such fiscal year is less than the amount collected during the fiscal year ending June 30, 2005.

(iv) Clerks of city courts for receiving and paying over all privilege taxes on litigation, two percent (2%) on the dollar.

SECTION 19. Tennessee Code Annotated, Section 16-15-5007, is amended by deleting the following language:

In order to defray the additional expenses the administrative director of the courts will incur in adequately serving the general sessions judges, there is levied a litigation tax of one dollar (\$1.00) on each civil case filed in general sessions court, or in a court where the general sessions judge serves as judge. The litigation tax imposed by this section does not apply to cases in juvenile court. The revenue generated by such tax shall be transmitted to the state treasurer for deposit, and fifty percent (50%) of the proceeds shall be credited to the account of the administrative director of the courts to be used to defray the expenses of serving the general sessions courts and the

Tennessee general sessions judges' conference. The remaining fifty percent (50%) of the proceeds shall be used to defray the cost of retirement pay of retired general sessions judges.

SECTION 20. Tennessee Code Annotated, Section 16-18-305(b), is amended by deleting the following language:

Notwithstanding the apportionment provisions of § 67-4-606, or any other law to the contrary, all revenue derived from such privilege tax shall be forwarded by the clerk to the state treasurer and shall be deposited into the civil legal representation of indigents fund authorized and created under § 16-3-808.

and substituting instead the following:

The revenue generated by the privilege tax levied by this subsection shall be apportioned in accordance with the provisions of § 67-4-606.

SECTION 21. Tennessee Code Annotated, Section 39-13-709, is amended by deleting subsection (c)(2) in its entirety and by substituting instead the following:

Ninety-five percent (95%) of the tax paid hereunder shall be deemed a litigation tax imposed pursuant to § 67-4-602 and shall be includible as an amount subject to apportionment pursuant to § 67-4-606.

SECTION 22. Tennessee Code Annotated, Section 40-24-107(a)(5), is amended by deleting the words "for deposit in the fund established by this section" and by substituting instead the words "for apportionment pursuant to the provisions of § 67-4-606".

SECTION 23. Tennessee Code Annotated, Section 40-24-107(b), is amended by deleting the words "deposited upon receipt to the criminal injuries compensation fund" and by substituting instead the words "apportioned pursuant to the provisions of § 67-4-606".

SECTION 24. Tennessee Code Annotated, Section 67-4-602, is amended by deleting the section in its entirety and substituting instead the following:

67-4-602. Tax Imposed

(a) There is levied a privilege tax on litigation of twenty-nine dollars and fifty cents (\$29.50) on all criminal charges, upon conviction or by order, instituted in this state.

(b) There is levied a privilege tax on litigation of twenty-three dollars and seventy-five cents (\$23.75) in all civil cases in this state in chancery court, circuit court, or general sessions court when exercising state court jurisdiction.

(c) There is levied a privilege tax on litigation of seventeen dollars and seventy-five cents (\$17.75) in all civil cases in this state in general sessions court when not exercising state court jurisdiction.

(d) In all civil cases in municipal courts in this state the clerk of the court shall collect a litigation tax in accordance with the provisions of § 16-18-304. When a municipal court is exercising general sessions jurisdiction, the clerk of the court shall collect a privilege tax on litigation in those cases that is the same as the tax collected by other general sessions courts in comparable cases.

(e)

(1) In addition to any other tax imposed by this chapter, there is levied a privilege tax on litigation of three dollars (\$3.00) on all criminal charges, upon conviction or by order, instituted in the general sessions court in any county having a population of not less than three hundred nineteen thousand six hundred twenty-five (319,625) nor more than three hundred nineteen thousand seven hundred twenty-five (319,725) according to the 1980 federal census or any subsequent federal census. Notwithstanding the apportionment provisions of § 67-4-606, each levy of this tax shall be paid into the office of the county clerk of such county with the proceeds to be credited to a separate reserve account in

the county fund. The proceeds shall be disbursed to expand the use of the appropriate law enforcement officers for walking patrols within public housing subdivisions and in localities within such county that traditionally experience greater incidence of crime. The proceeds may also be used by the respective police department to fund police cadet programs conducted by such department in localities within such county that traditionally experience greater incidence of crime.

(2) Five percent (5%) of the proceeds collected under subdivision (e)(1) shall be retained by the office of the county clerk collecting the tax for the purpose of effectuating the provisions of this subsection (e).

(f)

(1) In addition to any other tax levied by this chapter, there is levied an additional privilege tax on litigation of one dollar (\$1.00) on all criminal charges, upon conviction or by order, instituted in any state or county court for any violation of title 55, chapter 8.

(2) Notwithstanding the provisions of this chapter or any private act or resolution of a county legislative body to the contrary, no litigation taxes shall apply to any charge prosecuted for an offense under § 55-8-188.

(g) The privilege taxes imposed by § 40-24-107 are deemed litigation taxes, collectible by the respective court clerks as otherwise provided in § 67-4-603 and subject to apportionment according to § 67-4-606; however, the designation of these taxes as litigation taxes shall not change the clerk's fee provided for in § 40-24-107 nor shall it alter the priority of collection or distribution of monies collected by the clerk in cases where these taxes are levied.

(h) The privilege tax imposed by § 39-13-709, after deduction for administrative costs under subsection (c)(1) thereof, is deemed a litigation tax, collectible by the respective court clerks as otherwise provided in § 67-4-603 and subject to apportionment according to § 67-4-606; however, the designation of these taxes as litigation taxes shall not change the clerk's fee provided for in § 39-13-709(c)(1) nor shall it alter the priority of collection or distribution of monies collected by the clerk in cases where these taxes are levied.

(i) Every person from whom the clerks of the various courts are required to collect the tax imposed by this section shall be liable for the tax imposed by this section.

SECTION 25. Tennessee Code Annotated, Section 67-4-603, is amended by adding the following as a new subsection:

(_) The clerks of the various courts shall collect and remit the various privilege taxes on litigation and report them on forms prescribed by the commissioner.

SECTION 26. Tennessee Code Annotated, Section 67-4-606, is amended by deleting the section in its entirety and substituting instead the following:

(a) The privilege tax collected under this part shall be paid into the state treasury and the proceeds shall be divided as follows:

(1) Three hundred twenty ten thousandths percent (0.0320%) of the proceeds shall be deposited in a fund established for the operation of the Tennessee corrections institute. This amount shall not revert to the state general fund and shall not be subject to impoundment or allotment reserve, but shall be managed on a revolving non-quarter basis;

(2) Four and four thousand four hundred thirty ten thousandths percent (4.4430%) of the proceeds shall be credited to a separate reserve account in the general fund to be used only by the departments of education and safety to

promote and expand driver education through the public schools of this state and to promote safety on the highways, subject to the general law with respect to the allocation of funds by the commissioner of finance and administration as follows:

(A) Seventy-five percent (75%) of the amount provided for in this subdivision (a)(2) shall be allocated to the department of education to be used only for the purposes as set forth in this subdivision (2); and

(B) Twenty-five percent (25%) of the amount provided for in this subdivision (a)(2) is shall be allocated to the department of safety to be used only for the purposes as set forth in this subdivision (2);

(3) Twenty-five and four thousand four hundred eighty-three ten thousandths percent (25.4483%) of the proceeds shall be allocated to the general fund;

(4) Four and eight thousand one hundred eighty-six ten thousandths percent (4.8186%) of the proceeds shall be held in the state treasury and disbursed and used only for the purpose of providing funds to aid in meeting the cost of benefits provided for county judges by title 8, chapters 34-37. This amount shall be used to secure actuarial soundness, and shall not be used to improve any retirement benefit, increase any actual contribution or for any purpose other than that stated in this section;

(5) Nine and four thousand eight hundred fifty-four ten thousandths percent (9.4854%) of the proceeds shall be held in the state treasury and disbursed and used only for the purpose of providing funds to aid in meeting the costs of benefits provided for county officials by title 8, chapters 34-37. This amount shall be used to secure actuarial soundness, and shall not be used to

improve any retirement benefit, decrease any actual contribution or for any purpose other than that stated in this section;

(6) Six thousand five hundred fifty-three ten thousandths percent (0.6553%) of the proceeds shall be held in the state treasury and disbursed only upon request of the administrative director of the courts and used only for the purpose of funding the state court clerks' conference established in § 18-1-501. No state funds shall be obligated or expended pursuant to this section for the purpose of funding the state court clerk's conference unless such meeting is held in a state facility when practical. In the event it is not practical to hold such meeting in a state park, the reasons and cost therefore must be set forth in writing by the affected agency head and shall be forwarded to the commissioner of finance and administration;

(7) Eight thousand four hundred six ten thousandths percent (0.8406%) of the proceeds shall be allocated to the victims of crime assistance fund created pursuant to § 9-4-205;

(8) Fifteen and eight thousand four hundred seventy-one ten thousandths percent (15.8471%) of the proceeds shall be allocated to the criminal injuries compensation fund;

(9) One and three thousand seven hundred fifty-five ten thousandths percent (1.3755%) of the proceeds shall be allocated to the victims of drunk drivers compensation fund;

(10) Three and seven thousand six hundred fifty-three ten thousandths percent (3.7653%) of the proceeds shall be transferred to the state treasury and used entirely to fund the provisions of § 40-14-207;

(11) Five thousand five hundred twenty-nine ten thousandths percent (0.5529%) of the proceeds shall be credited to the account of the administrative director of the courts to be used to defray the expenses of serving the general sessions courts and the Tennessee general sessions judges' conference;

(12) Five thousand five hundred twenty-eight ten thousandths percent (0.5528%) of the proceeds shall be used to defray the cost of retirement pay of retired general sessions judges;

(13) Nineteen and two thousand nine hundred two ten thousandths percent (19.2902%) of the proceeds shall be transferred to the state treasurer who shall credit the same to the public defender program;

(14) Seven and four thousand seven hundred one ten thousandths percent (7.4701%) of the proceeds shall be credited to the civil legal representation of indigents fund authorized and created under §16-3-308;

(15) Two and three thousand fifty-six ten thousandths percent (2.3056%) of the proceeds shall be deposited in the state general fund and earmarked for grants to local governments for the purchase and maintenance of and line charges for electronic fingerprint imaging systems. These grants shall be awarded and administered by the office of criminal justice in the department of finance and administration. The general assembly may appropriate a portion of the earmarked funds derived from this subsection (a)(15) to the Tennessee bureau of investigation for the purchase, installation, maintenance, and line charges for electronic fingerprint imaging systems. Prior to the purchase of any electronic fingerprint imaging system, a law enforcement agency or local government shall obtain certification from the Tennessee bureau of investigation that such equipment is compatible with the Tennessee bureau of investigation's

and the federal bureau of investigation's integrated automated fingerprint identification system.

(16) Three thousand four hundred twenty-six ten thousandths percent (0.3426%) of the proceeds shall be credited to the sex offender treatment fund created pursuant to § 39-13-709; and

(17) Two and seven thousand seven hundred forty-seven ten thousandths percent (2.7747%) of the proceeds shall be credited to a separate reserve account in the general fund to be used only by the department of education to promote and expand driver education through the public schools of this state.

(b) Notwithstanding any provision of this section to the contrary, the total amount allocated to a fund or program for any fiscal year pursuant to subsection (a), except the general fund, shall not be less than the amount allocated to such fund or program during the fiscal year ending June 30, 2005; provided, that this provision shall not apply if the statewide amount of litigation tax collected during such fiscal year is less than the amount collected during the fiscal year ending June 30, 2005.

SECTION 27. Sections 18 through 26 of this act shall take effect on July 1, 2005, the public welfare requiring it. All other provisions of this act shall take effect January 1, 2006, the public welfare requiring it.